

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BLUEFIELD DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 1:09-cr-00270

THOMAS CREIGHTON SHRADER,

Defendant.

**ORDER**

The Defendant has filed a notice of interlocutory<sup>1</sup> appeal of this Court's suppression ruling [Document 314] in which he requests "a hearing on [his] pro se motion to suppress evidence." In connection with the same, the Court has, pursuant to Rule 24 of the Rules of Appellate Procedure, considered whether the Defendant should be permitted to proceed on appeal in forma pauperis.


At the time of the filing of his pro se interlocutory appeal, the Defendant was represented by counsel. Further, the Court finds that the Defendant is not entitled to an interlocutory appeal of a suppression ruling inasmuch as the ruling is not a final order, nor is it an interlocutory appeal over which the court of appeals has jurisdiction. *See* 28 U.S.C. §1291; U.S.C. §1292. Accordingly, it is **ORDERED** that the Defendant shall not be permitted to proceed on appeal *in forma pauperis*.

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<sup>1</sup>The Court notes that the Defendant's appeal was originally docketed as an interlocutory appeal on October 29, 2010, but was later modified, on November 12, 2010, to remove the reference of the appeal as being interlocutory. The Court, however, views the appeal as interlocutory.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: November 24, 2010

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA